

REMARKS

Claims 30 and 40 have been amended to clarify that the percentages of citric acid cited are on a weight/volume (wt/vol) basis. As argued at the interview, clearly percentages based on vol/vol in this context make no sense and typical ways of denoting concentrations of solutes in solution is either based on the weight of the solvent or the volume thereof – *i.e.*, molality (mol/kg) or molarity (mol/l). Therefore, designation of the percentages in the specification as “by volume” refers to the solvent, not the solute. As Examiner Pak kindly pointed out at the interview, this is further supported in the specification on page 21 at line 9, which indicates that a concentration of 0.1% silver citrate by volume corresponds to 1,000 ppm or 10^3 parts per 10^6 parts or 10^{-1} parts per 100 parts. Similarly, line 15 clarifies that a concentration of 1:3,500 corresponds to 285 ppm which also indicates this is on a wt/vol basis. (In reality, a wt/wt basis in this case would be almost the same number.)

Also discussed at the interview was the inclusion of “a disinfectant amount of” the complex specified. This was inserted to clarify that simply an infinitesimal amount of the complex would not be present; rather that the disinfectant qualities must be associated with this complex. This insertion is supported throughout the specification, for example, page 13 notes that the “aqueous disinfectant comprises silver citrate where the silver is electrolytically generated and forms an organic metal complex with the citric acid.” That the “citric acid” of the complex is in the form of dihydrogen citrate is confirmed by the declaration of Dr. Pullman of record herein.

With these amendments, applicant believes the claims are in a position for allowance. A terminal disclaimer with regard to the parent case was provided with the Request for Continued Examination, and it was pointed out that the other applications on which double-patenting was

based were either directed to anhydrous compositions (as opposed to aqueous solutions) or abandoned.

Any relationship of the claims issued in U.S. 6,838,095 to the proposed claims was also discussed at the interview. The '195 patent is based on a provisional application filed 9 November 1998, which is a date more than a year later than the 10 October 1997 priority to which the present application is entitled. The claims in that patent are to a composition comprising water and a silver complex that further requires a counterion. The counterion is one or more alkali metals and/or alkaline earth metals. These metals are not required in the present claims. It also appears from column 6 of the '095 patent that any antimicrobial properties of the claimed compositions in the '095 patent are due to ionic silver as opposed to a disinfectant amount of a complex of the silver. Since the present applicant's priority date is earlier than that of the issued patent and the issued patent claims contain an additional feature not required in the present claims, clearly the same invention is not being claimed.

Again, applicant is appreciative of the interview and the helpful suggestions made by Examiner Pak. In view of this, it is believed that claims 30 and 40 are in a position for allowance and passage of these claims to issue is respectfully requested.

Should minor issues remain that might be settled over the phone, a telephone call to the undersigned is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of

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